

FILED

FEB 14 2014

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

In re: : Case No.: 05-22413-GLT
: Chapter: 13
Kenneth I. Clever :
Gloria J. Clever :
: Date: 2/12/2014
Debtor(s). : Time: 02:30 (Moved from 1:30)

PROCEEDING MEMO

MATTER: #71 - Motion for Payment of Unclaimed Funds by Oak Point Partners, Inc.
#78 - CNO Filed

Tentative Ruling: The Motion for Order Directing Payment of Funds will be denied without prejudice unless counsel can adequately address the following issues: (1) the Motion contains certain allegations that cannot be ascertained from the record and are not substantiated by an individual with personal knowledge of the events described; (2) the Motion does not establish a connection between the original creditor, RMA Inc. and the RMA Liquidating Trust. Specifically, RMA Inc. is not listed as a debtor in the proceedings jointly administered at Case No. 05-43959 in the Bankruptcy Court for the Northern District of Ohio; (3) assuming a connection can be established, the Motion does not indicate which assets were conveyed to the Trust, and whether the claim of RMA Inc. constitutes one of the "Remnant Assets"; and (4) the Court observes that no transfer of claim has been filed pursuant to Bankruptcy Rule 3001(e).

APPEARANCES:

Debtor: No Appearance
Trustee: Mark Gregg
Oak Point: Peter Ashcroft

NOTES:

Ashcroft - Affidavit of client filed as a separate exhibit. Remnant Assets were purchased from Liquidating Trustee. RMA, Inc. is part of this group.

Court - Claim was filed by RMA, Inc. Affidavit and Motion hinges on the fact that RMA, Inc. is the same as Risk Management Alternatives, Inc.

Ashcroft - Trustee attempted to pay Risk Management Alternatives at the same address listed on POC of RMA, Inc.

OUTCOME:

1. Order to be entered denying Motion for Payment of Unclaimed Funds, without prejudice, for the reasons identified in the Court's tentative ruling, which is hereby adopted. (CT to prepare order).